

FILED/ACCEPTED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 29 2011

Federal Communications Commission
Office of the Secretary

In the Matter of)

MARITIME COMMUNICATIONS/LAND)
MOBILE, LLC)

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Participant in Auction No. 61 and Licensee of)
Various Authorizations in the Wireless Radio)
Services)

Application File Nos. 0004030479,
0004144435, 0004193028,
0004193328, 0004354053,
0004309872, 0004310060,
0004314903, 0004315013,
0004430505, 0004417199,
0004419431, 0004422320,
0004422329, 0004507921,
0004153701, 0004526264,
0004636537, and 0004604962

Applicant with ENCANA OIL AND GAS (USA),)
INC.; DUQUESNE LIGHT COMPANY; DCP)
MIDSTREAM, LP; JACKSON COUNTY)
RURAL MEMBERSHIP ELECTRIC)
COOPERATIVE; PUGET SOUND ENERGY,)
INC.; ENBRIDGE ENERGY COMPANY, INC.;)
INTERSTATE POWER AND LIGHT)
COMPANY; WISCONSIN POWER AND)
LIGHT COMPANY; DIXIE ELECTRIC)
MEMBERSHIP CORPORATION, INC.;)
ATLAS PIPELINE – MID CONTINENT, LLC)
DENTON COUNTY ELECTRIC)
COOPERATIVE, INC., DBA COSERV)
ELECTRIC; AND SOUTHERN CALIFORNIA)
REGIONAL RAIL AUTHORITY)

For Commission Consent to the Assignment of)
Various Authorizations in the Wireless Radio)
Services)

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

AMENDMENT TO REQUEST FOR ADMISSIONS

Pursuant to the order of the Presiding Judge, Warren C. Havens, Environmental, LLC,
Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundation,
Telesaurus Holdings GB, LLC, Verde Systems, LLC, and V2G LLC (collectively, "SkyTel"), by
their attorneys, hereby amend the Request for Admissions submitted by SkyTel in the above-

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captioned matter on June 10, 2011 (“SkyTel Request”). SkyTel hereby withdraws the SkyTel Request, subject to the following reservations.

First, SkyTel respectfully requests that it be permitted to resubmit its requests for admissions within ten days following resolution by the Presiding Judge of the extent of SkyTel’s and the Applicants’ participation in the above-captioned proceeding. During the pre-hearing conference, the Presiding Judge directed Maritime Communications/Land Mobile, LLC (“Maritime”) to submit a motion regarding the extent of SkyTel’s participation in this proceeding, and further afforded SkyTel an opportunity to respond to that motion. The Presiding Judge further directed the Enforcement Bureau and the Applicants to attempt to submit a stipulation regarding the extent of the Applicants’ participation with respect to discovery in this proceeding. SkyTel respectfully submits that allowing SkyTel to withdraw and resubmit its Request for Admissions or a revised Request for Admissions once the matter of the extent of SkyTel’s participation in this proceeding is resolved will increase efficiency and minimize any potential burden on other parties to the extent SkyTel’s participation is eventually limited.¹ Further, withdrawal of the Request for Admissions at this point will allow SkyTel to avoid overlap with the Enforcement Bureau’s Request for Admissions, which will minimize the potential for duplicative responses to the Enforcement Bureau’s and SkyTel’s Requests, to the extent those Requests overlap. As SkyTel indicated in the pre-hearing conference, SkyTel is willing to work cooperatively with the Enforcement Bureau to ensure that its discovery requests

¹ SkyTel will vigorously oppose Maritime’s motion in this regard. The Commission itself has properly designated SkyTel as a participant in this proceeding. Indeed, SkyTel’s various petitions concerning both Maritime’s participation in Auction No. 61 and the above-captioned applications are in some sense the foundation of the proceeding, and there is no legal or equitable basis to seek for limiting SkyTel’s participation. Further, SkyTel respectfully submits that excluding a party, designated by the Commission, from this proceeding would exceed the Presiding Judge’s authority.

do not unduly duplicate discovery initiated by the Enforcement Bureau. Similarly, SkyTel respectfully submits that allowing SkyTel to withdraw and resubmit its Request for Admissions or a revised Request for Admissions once the matter of the extent of the Applicants' participation in this proceeding is resolved will increase efficiency and minimize any potential burden on the Applicants to the extent their participation is eventually limited.

Second, SkyTel's withdrawal of the SkyTel Request is without prejudice to SkyTel's ability to seek discovery through any available means, including, without limitation, written interrogatories or depositions, from parties on subjects included in the SkyTel Request, once discovery commences in this proceeding on July 5, 2011.

Third, and finally, withdrawal of the SkyTel Request is subject to the same reservations SkyTel presents in its concurrently filed Amendment to Motion to Enlarge Issues.

Respectfully Submitted,

Warren C. Havens, Environmental, LLC,
Intelligent Transportation and Monitoring
Wireless, LLC, Skybridge Spectrum
Foundation, Telesaurus Holdings GB, LLC,
Verde Systems, LLC, and V2G LLC

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Their Attorneys

June 29, 2011

CERTIFICATE OF SERVICE

I, Patrick R. McFadden, hereby certify that on this 29th day of June, 2011, a true copy of this Amendment was served via first class, postage paid United States Mail upon the following:

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